

REMARKS/ARGUMENTS

Claims 1-44 are pending. In light of the amendments and following remarks, Applicant believes all the pending claims are in condition for allowance.

The § 112, Second Paragraph, Rejection of Claims 2-6, 17-29, 33, 35, and 36

Claims 2-6, 17-29, 33, 35, and 39 were rejected under 35 USC § 112, second paragraph, as allegedly being indefinite. The following will discuss each of the rejections in the Office Action.

With regard to claims 2, 33 and 36, the Office Action stated there was no antecedent basis for “said volume discount scheme.” Applicant has amended these claims to recite “said usage dependent rating scheme” so the rejection is overcome.

Claims 11 and 12 were rejected as there was not antecedent basis for “calculating the cost.” Claim 10 to which these claims depend has been amended to recite “calculating a cost” so the rejection is overcome.

In claim 17, the phrase “rating the event” was rejected as being unclear as to what event. Applicant has amended this claim and many others to specify the “billing event.” Therefore, the rejection is overcome.

With regard to claim 33, it was alleged “the cost to a source” lacked antecedent basis. Applicant amended the claim to recite “a cost to a source” so the rejection is overcome.

The § 102(e) Rejection of Claims 1-4, 7-13, 16-22, and 25-44

Claims 1-4, 7-13, 16-22, and 25-44 were rejected under 35 USC § 102(e) as being allegedly anticipated by U.S. Publication No. 2001/0056362, published December 27, 2001 by Hanagan et al. (hereinafter “Hanagan”).

Initially, the invention recited in claim 1 refers to a real time accounting system. Hanagan describes near real time message processing, where messages are received in batches (paragraph 0079). As described in the background of the specification on page 2, lines 1-12, near real time systems do not rate billing events when they are received as claimed.

Additionally, the Office Action has not shown where Hanagan discloses rating a billing event upon receiving the billing event according to the billing event, the current usage information, and a usage dependent rating scheme as recited in claim 1. The Office Action cites many different paragraphs of Hanagan as disclosing these features, but a closer review of these paragraphs reveal that the reference does not support a prima facie case of anticipation.

For example, paragraph 0079 is cited as disclosing the claimed features. However, the paragraph states that the system provides near real time rating and pricing, but does not disclose using current usage information and a usage dependent rating scheme to rate a billing event in a real time accounting system as claimed.

Paragraph 0214 is also cited as disclosing the claimed features. This paragraph describes that rating can be based on the volume associated with the event. However, the paragraph has not been shown to disclose utilizing current usage information for the account as claimed.

The Office Action also cites paragraph 216. This paragraph describe various price plans. For example, the paragraph states that a price plan can include one or more algorithms based on volume/price calculations. However, the paragraph does not disclose using current usage information and a usage dependent rating scheme to rate a billing event in a real time accounting system as claimed

Paragraph 0082 is also cited. This paragraph describes the Financial Event Engine (FFE) 20 that processes financial events (e.g., payments) that affect customer account balances. The FFE is not described as rating billing events at all, let alone rating billing events as is claimed.

Lastly, paragraph 0196 is cited. This paragraph describes the Event Rater and Pricer (ERP) 16. Although this component rates events, this paragraph does not disclose rating a billing event using current usage information and a usage dependent rating scheme as claimed.

In summary, Hanagan has not been shown to disclose using current usage information and a usage dependent rating scheme to rate a billing event in a real time accounting system as recited in claim 1. Accordingly, claims 1, 37 and 41 (and their dependent claims) are patentably distinct over the reference for at least the reasons described above.

With regard to independent claims 7, 39 and 43, the Office Action asserts that Hanagan discloses all the features of the claims. For example, claim 7 recites that marketing information are sent to a user associated with an account responsive to performing the look-forward into the rating scheme.

The only citation to Hanagan for these features was paragraph 0108 that describes that rating can be varied for each product. This paragraph does not disclose the features of claim 7. Thus, claims 7, 39 and 43 (and their dependent claims) are patentably distinct over the reference as a prima facie case of anticipation has not been established.


The § 103(a) Rejection of Claims 14-15 and 23-24

Claims 14-15 and 23-24 were rejected under 35 USC § 103(a) as allegedly being unpatentable over Hanagan. As these claims are dependent claims, they are patentably distinct over the reference for at least the same reasons as above.

Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 446-8693.

Respectfully submitted,


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